

of claims presently under consideration is slightly different than that apparently entitled to consideration. At present, claims 1, 9, 19-28 and 30 are under consideration and stand rejected. However, if the Examiner's Requirements have been correctly understood, claims 29 and 31 should also be entitled to consideration. However, as indicated in Applicant's paper mailed July 19, 1999 (at page 1 thereof), none of claims 20, 21 or 23 should be presently under consideration as readable on the elected species. Only claims 1, 9, 19, 22, and 24-31 are readable thereon.

Amendment

Applicants will immediately redraft the pending pharmaceutical composition claims and method of use claims to include all the limitations of the compound claims that were themselves allowed in the parent '881 application. Thus, the invention under the Requirement of Restriction will remain Group II, confined to "Q" as structural option VII. Thus the Examiner should thus be able to indicate the presence of allowable subject matter.

Remarks

With respect to the section 102 rejections raised by the Examiner, it is believed that all may be withdrawn in view of the above-mentioned amendments. With respect to the "same invention" double patenting rejection (35 USC section 101) over U.S. Patent 5,576,317, it is noted that this patent is not a reference against the present application, and treatment of emesis, as claimed therein, is not among the clinical indications presently being claimed.

Conclusion

It is believed that the present application can be quickly placed in condition for allowance. The Examiner is welcome to contact the undersigned to discuss any issues that remain unresolved. A Petition for Extension of Time for Three Months is attached (in duplicate), with authorization to charge the three month fee, or any other needed fee or fee amount, to the Pfizer Deposit Account, No. 16-1445. An early and favorable action is respectfully requested.

RECEIVED
MAY 04 2000
TECH CENTER 1600/2999

Respectfully submitted,

Date: 4/25/00

E. V. Donahue

E. Victor Donahue, Ph.D.
Attorney for Applicant(s)
Reg. No. 35,492

Pfizer, Inc.
Legal Department, 20th Floor
235 East 42nd Street
New York, NY 10017-5755
(212) 733-2739